

REMARKS

Summary

Reconsideration of the application is respectfully requested.

Claims 1-29 have been rejected. Claims 30-34 are withdrawn. Accordingly, claims 1-34 remain pending.

Applicant thanks the Examiner for considering Applicant's amendments and remarks filed on May 30, 2006. Applicant further thanks the Examiner for the telephone interview on September 26, 2006.

Claim Rejections under 35 U.S.C. § 103

In "Claim Rejections – 35 USC § 103," item 2 on page 2 of the above-identified final Office Action, claims 1-11, 14-19, 21-23, and 25-28 have been rejected as being unpatentable over U.S. Patent No. 6,330,010 to *Nason et al.* (hereinafter "Nason") and U.S. Patent No. 6,151,059 to *Schein et al.* (hereinafter "Schein") under 35 U.S.C. § 103(a).

Claim 1 recites: "A method to be performed on a computer system having a display device including a display surface having a primary display area controllable by an operating system and an overscan area not controlled by the operating system, the method comprising: reserving a first portion of the operating system controllable primary display area for exclusive use and control by a first program that is not part of the operating system; and rendering contents in said reserved first portion of the operating system controllable primary display area, by said first program, excluding all other programs, including said operating system, from using or controlling said reserved first portion of operating system controllable primary display area."

When viewed as a whole, as is required, claim 1 teaches a novel method of reserving a portion of an operating system controllable primary display area for exclusive use and control by a first program, other than the operating system, thereby reducing the portion of the primary display area controllable by the operating system.

In contrast, nothing in Nason teaches or even suggests reserving a portion of an operating system controllable display area for exclusive use and control by a program. At best, Nason merely teaches a “method for creating and accessing a graphical user interface in the overscan area outside the area of the display normally utilized by the common operating system.” Only desktop 31, and not the overscan area 30, of Nason is controllable by the operating system (see, e.g., Abstract and Fig. 2). The overscan area 30 is controlled by the video hardware (see, e.g., Fig. 2). But no portion of desktop 31 of Nason (controllable by the operating system) is reserved for exclusive use and control by any program that is not part of the operating system, excluding all other programs, including the operating system, from using or controlling the reserved portion.

Further, reserving a portion of the overscan area in no way suggests reserving a portion of the operating system controllable primary display area. Reserving a portion of the overscan area simply requires interfacing with video hardware. Reserving a portion of the area controlled by the operating system in such a fashion that the operating system loses control of that area poses a number of technical challenges not present in the reserving of the overscan area. Additionally, Nason arguably teaches away from reserving a portion of the operating system controllable primary display area by teaching a method of reserving a portion of the overscan area. By allowing a program to reserve the overscan area, Nason obviates the need to leap the technical hurdles associated with reserving a portion of the operating system controllable primary display area.

In further contrast, Schein does not teach or suggest, alone or in combination with the above-discussed Nason, the reservation of the operating system controllable primary display area for exclusive use and control by a first program, other than the operating system, thereby

reducing the portion of the primary display area controllable by the operating system. In fact, Schein does not even teach or suggest the reservation of an area of the television display for exclusive use. In the final Office Action, the Examiner states that Schein has “a program outside the operating system which delivers video to a reserved portion of the primary display.” The Examiner is apparently referring to window 220 of Figures 1 and 7 (the window in the bottom right of the display interface) where TV video is being rendered. While Figures 1 and 7-25 do show that area being used to deliver the video, Figure 26 instead presents the same portion of the display as a menu list with a number of items. Thus, Schein does not teach or suggest reserving that portion for the exclusive use of a program. Also, no other area of the display is taught or suggested to be reserved for exclusive use of a program. Each area of the display is taught as being controlled by the On Screen Display Controller and Formatter 124, shown by Figure 3, and no mention is made of an outside program interacting with the On Screen Display Controller and Formatter 124, or any other program, to reserve a portion of the display for its exclusive use. Thus, Schein simply does not teach or suggest reservation of a portion of the display area for exclusive use.

Further, Schein does not mention an operating system for the television. Schein only discusses programming modules adapted to create a programming guide from the video feed, and the logic of the On Screen Display Controller and Formatter 124, which is adapted to cause the rendering of the programming guide and video feed. The term operating system, in its common usage within the art, means “a program that acts as an intermediary between a user of a computer and the computer hardware. The purpose of the operating system is to provide an environment in which a user can execute programs.” Abraham Silberschatz & Peter Galvin, Operating System Concepts, pg. 3 (5th Ed. 1999). At best, the logic for generating the programming guide and in combination with the logic of the On Screen Display Controller and Formatter 124 arguably comprise an “operating system” since they, together, act as an intermediary between the television user and the display on which contents are rendered. Even accepting this interpretation, however, Schein simply does not suggest a program, other than the logic above described as constituting the “operating system”, reserving a portion of the display controlled by the “operating system” for exclusive use. In Applicant’s Agent’s phone interview with the

Examiner, the Examiner suggested that the TV card 40 (Figure 2), which may be connected to the On Screen Display Controller and Formatter 124 through Video In 123 (Figure 3) might read on the first program of claim 1 for which an exclusive use area is reserved. Even if one accepts, however, that the TV Card 40 may read on “a first program that is not part of the operating system”, nothing in Schein discusses or suggests reserving an area of the display for exclusive use of the TV Card 40 to render video content. Applicant again refers the Examiner to Figure 26, discussed above, where the video content of TV Card 40 is not rendered at all.

Accordingly, Nason and Schein, alone or in combination, fail to suggest reserving a portion of an operating system controllable primary display area for exclusive use an control by a first program, other than the operating system, thereby reducing the portion of the primary display area controllable by the operating system. Thus, claim 1 is patentable over the combination of Nason and Schein.

Claims 14, 16, and 25 are independent claims having limitations similar to those of claim 1. Thus, for at least the same reasons, claims 14, 16, and 25 are patentable over Nason and Schein, alone or in combination.

Claims 2-11, 15, 17-19, 21-23, and 26-28 depend from claims 1, 14, 16, and 25, incorporating their recitations. Thus, for at least the same reasons, claims 2-11, 15, 17-19, 21-23, and 26-28 are patentable over Nason and Schein, alone or in combination.

Claim Rejections under 35 U.S.C. § 103

In “Claim Rejections – 35 USC § 103,” on page 5 of the above-identified final Office Action, claims 12-13, 20, 24, and 29 have been rejected as being unpatentable over Nason and Schein in view of U.S. Patent No. 6,583,793 to *Gould et al.* (hereinafter “Gould”) under 35 U.S.C. §103(a).

Gould fails to cure the above discussed deficiencies of Nason and Schein. Therefore, claims 1, 20, and 25 remain patentable over Nason and Schein even when combined with Gould.

Claims 12-13, 24, and 29 depend from claims 1, 20, and 25, respectively, incorporating their recitations. Thus, for at least the same reasons, claims 12-13, 24, and 29 are patentable over Nason and Schein in view of Gould

Conclusion

Applicant submits that pending claims 1-34, are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (206) 407-1513. If any fees are due in connection with this paper, the Commissioner is authorized to charge Deposit Account 500393.

Respectfully submitted,
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